

Michigan Law Review

VOLUME 97
1998-1999

The University of Michigan
Law School

Michigan Law Review
Ann Arbor, Michigan 48109-1215

CONTENTS

VOLUME 97

Subject Index.....	iii
Articles.....	vii
Notes	ix
Authors	x
Books Reviewed	xii

Copyright © 1999
*By THE MICHIGAN LAW REVIEW
ASSOCIATION*

SUBJECT INDEX

(a) after a reference indicates an article; (b) book notice; (c) correspondence; (e) essay;
(n) note; (r) book review.

ADMINISTRATIVE LAW

See *Law and Economics*.

AFFIRMATIVE ACTION PROGRAMS

Affirmative Action, Caste, and Cultural Comparisons — *Cass R. Sunstein* (c) 1311-20

Race, Class, Caste . . . ? Rethinking Affirmative Action — *Clark D. Cunningham & N.R. Madhava Menon* (c) 1296-310

Minority Preferences Reconsidered — *Terrance Sandalow* (r) 1874-916

Response to Review by *Terrance Sandalow* — *William G. Bowen & Derek Bok* (c) 1917-22

Rejoinder — *Terrance Sandalow* (c) 1923-27

ANALYTICAL METHOD

See *Legal Theory*.

BASEBALL

Rise of America's Two National Pastimes: Baseball and the Law, The — *Cleta Deatherage Mitchell* (r) 2042-61

BIAS CRIMES

See *Criminal Law*.

BIOGRAPHY

Model Judicial Biography, A — *Gerald Gunther* (r) 2117-28

COMPARATIVE LAW

See also *Biography*.

From Renaissance Poland to Poland's Renaissance — *Daniel H. Cole* (r) 2062-102

CONFLICT OF LAWS

Myth of Choice of Law: Rethinking Conflicts, The — *Kermit Roosevelt III* (a) 2448-2538

CONSTITUTIONAL LAW

See also *Criminal Law, Legal History*.

Civics 2000: Process Constitutionalism at Yale — *Daniel J. Hulsebosch* (r) 1520-59

Rights Against Rules: The Moral Structure of American Constitutional Law — *Matthew D. Adler* (a) 1-173

CONTRACTS

Richness of Contract Theory, The — *Randy E. Barnett* (r) 1413-29

COPYRIGHT

See *Intellectual Property*.

CORRECTIONS

Beyond the Hero Judge: Institutional Reform Litigation as Litigation — *Margo Schlanger* (r) 1994-2036

COURTS

Sincere and Strategic Voting Norms on Multimember Courts — *Evan H. Caminker* (a) 2297-2380

CRIMINAL LAW

See also *Corrections, Standing*.

Punishing Hateful Motives: Old Wine in a New Bottle Revives Calls for Prohibition — *Carol S. Steiker* (r) 1857-73

Reconceiving the Right to Present Witnesses — *Richard A. Nagareda* (a) 1063-151

Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order-Maintenance Policing New York Style — *Bernard E. Harcourt* (a) 291-389

These Are the People in Your Neighborhood — *Elliot Regenstein* (b) 1956-70

CULTURE

Farewell to an Idea? Ideology in Legal Theory — *David Charny* (r) 1596-616

DAMAGES

Deterrence and Damages: The Multiplier Principle and Its Alternatives — *Richard Craswell* (a) 2185-238

DEMOCRACY

Direct Democracy in America — *Sherman J. Clark* (r) 1560-77

Foundations of Liberty, The — *Lawrence B. Solum* (r) 1780-812

Making the Law Safe for Democracy: A Review of "The Law of Democracy Etc." — *Burt Neuborne* (r) 1578-95

Subversive Thoughts on Freedom and the Common Good — *Larry Alexander & Maimon Schwarzschild* (r) 1813-27

DISABLED PERSONS

See *Education Law*.

EDUCATION LAW

Which Queue? — *Robert J. Sternberg & Elena L. Grigorenko* (r) 1928-47

ELECTIONS

See *Democracy*.

EMINENT DOMAIN

Ultra Vires Takings — *Matthew D. Zinn* (n) 245-86

ENVIRONMENTAL PROTECTION

See also *Federalism*.

Prohibiting Conduct, Not Consequences: The Limited Reach of the Migratory Bird Treaty Act — *Benjamin Means* (n) 823-42

EQUAL PROTECTION

See also *Affirmative Action Programs*.

Equal Rights, Special Rights, and the Nature of Antidiscrimination Law — *Peter J. Rubin* (e) 564-98

ETHICS

Apparently Substantial, Oddly Hollow: The Enigmatic Practice of Justice — *Heidi Li Feldman* (r) 1472-87

EVIDENCE

DNA Database Searches and the Legal Consumption of Scientific Evidence — *Peter Donnelly & Richard D. Friedman* (a) 931-84

FAMILY LAW

Counseling Counsel for Children — *Martin Guggenheim* (r) 1488-511

FEDERALISM

Commerce Clause Meets the Delhi Sands Flower-Loving Fly, The — *John Copeland Nagle* (a) 174-215

Dissecting the State: The Use of Federal Law to Free State and Local Officials from State Legislatures' Control — *Roderick M. Hills, Jr.* (a) 1201-86
Treaty Power and American Federalism, The — *Curtis A. Bradley* (a) 390-461

FIRST AMENDMENT

See *Trials*.

FIRST AMENDMENT PROTECTIONS

Convergence of the First Amendment and Vatican II on Religious Freedom, The — *Robert F. Drinan, S.J.* (r) 1948-55

HEALTH CARE

Revisionism Misplaced: Why This Is Not the Time to Bury Autonomy — *David J. Rothman* (r) 1512-19

INDEPENDENT COUNSELS

See *Special Prosecutors*.

INTELLECTUAL PROPERTY

Limiting Patentees' Market Power Without Reducing Innovation Incentives: The Perverse Benefits of Uncertainty and Non-Injunctive Remedies — *Ian Ayres & Paul Klemperer* (a) 985-1033

Lochner in Cyberspace: The New Economic Orthodoxy of "Rights Management" — *Julie E. Cohen* (a) 462-563

INTERNATIONAL LAW

See also *War Crimes*.

Pinochet and International Human Rights Litigation — *Curtis A. Bradley & Jack L. Goldsmith* (a) 2129-84

INTERNATIONAL SECURITIES REGULATION

Political Economy of Statutory Reach: U.S. Disclosure Rules in a Globalizing Market for Securities, The — *Merritt B. Fox* (a) 696-822

JURIES

Courage of Our Convictions, The — *Sherman J. Clark* (a) 2381-2447

JURISDICTION

Law's Territory (A History of Jurisdiction) — *Richard T. Ford* (a) 843-930

JUVENILE JUSTICE

See *Family Law*.

LAW AND ECONOMICS

See also *Legal History*.
Competition and Cooperation — *Saul Levmore* (e) 216-44
New Economic Theory of Regulation: Rent Extraction Rather Than Rent Creation, A — *Douglas Ginsburg* (r) 1771-79

LAW AND LANGUAGE

See also *Culture*.

Forgotten Constitutional History: The Production and Migration of Meaning Within Constitutional Cultures — *Gregory A. Mark* (r) 1673-96

LAW AND LITERATURE

Atticus Finch, in Context — *Randolph N. Stone* (c) 1378-81

Comment on Steven Lubet, *Reconstructing Atticus Finch* — *Rob Atkinson* (c) 1370-72

Moral Icons: A Comment on Steven Lubet's *Reconstructing Atticus Finch* — *William H. Simon* (c) 1376-77

Reaction: "Stand Up, Your Father [A Lawyer] Is Passing", A — *Burneile V. Powell* (c) 1373-75

Reconstructing Atticus Finch — *Steven Lubet* (r) 1339-62

Reconstructing Atticus Finch? A Response to Professor Lubet — *Ann Althouse* (c) 1363-69

Reply to Comments on *Reconstructing Atticus Finch* — *Steven Lubet* (c) 1382-84

LAW AND SOCIETY

See *Democracy*.

LAW REVIEWS

Foreword — *Jeffrey Rosen* (foreword) 1323-38

LEGAL HISTORY

See also *Comparative Law*.

Assault That Failed: The Progressive Critique of *Laissez Faire*, The — *Richard A. Epstein* (r) 1697-721

Qualities of Completeness: More? or Less?, The — *Mark R. Killenbeck* (r) 1629-72

LEGAL POSITIVISM

Positivism, Emergent and Triumphant — *Vincent A. Wellman* (r) 1722-45

LEGAL PROFESSION

See *Ethics*.

LEGAL THEORY

Constitutional Fact and Theory: A Response to Chief Judge Posner — *Deborah Jones Merritt* (c) 1287-95

LIBERALISM

Rights and Wrongs — *John C.P. Goldberg* (r) 1828-56

PATENT

See *Intellectual Property*.

PENOLOGY

See *Corrections*.

PLEADING AND PROCEDURE

See *Securities Regulation*.

PLEBISCITES

See *Democracy*.

PUBLIC MONUMENTS

Monuments to the Past in a Leveling Wind — *Benjamin Means* (b) 1617-28

REFERENDA

See *Democracy*.

RELIGION, FREEDOM OF

See *First Amendment Protections*.

RESTITUTION

See *Unjust Enrichment*.

SECURITIES REGULATION

See also *International Securities Regulation*.

Case-By-Case Approach to Pleading Scinter Under the Private Securities Litigation Reform Act of 1995, A — *Matthew Roskoski* (n) 2265-94

SPECIAL PROSECUTORS

Original Model of the Independent Counsel Statute, An — *Ken Gormley* (a) 601-95

SPORTS LAW

See *Baseball*.

STANDING

Standing of the United States: How Criminal Prosecutions Show That Standing Doctrine Is Looking for Answers in All the Wrong Places, The — *Edward A. Hartnett* (a) 2239-64

SUPREME COURT

Democracy-Forcing Constitution, The — *Neal Devins* (r) 1971-93

Open Chambers? — *Richard W. Painter* (r) 1430-71

TELECOMMUNICATIONS

Common Law in Cyberspace, The — *Tom W. Bell* (r) 1746-70

TORTS

See also *Damages*.

Quality of Mercy Is Not Strained: Interpreting the Notice Requirement of the Federal

Tort Claims Act, The — *Ann McGuire*
(n) 1034-60

Revaluing Restitution: From the Talmud to
Postsocialism — *Michael Heller &*
Christopher Serkin (r) 1385-412

TRIALS

Television in the Courtroom: Mightier Than
the Pen? — *Richard P. Matsch* (r)
2037-41

WAR CRIMES
War Crimes and the Limits of Legalism —
Gary Jonathan Bass (r) 2103-16

UNJUST ENRICHMENT

In Defense of the Good Samaritan —
Hanoch Dagan (a) 1152-200

ARTICLES

Affirmative Action, Caste, and Cultural Comparisons — *Cass R. Sunstein* (correspondence) 1311-20

Apparently Substantial, Oddly Hollow: The Enigmatic Practice of Justice — *Heidi L. Feldman* (book review) 1472-87

Assault That Failed: The Progressive Critique of Laissez Faire, The — *Richard A. Epstein* (book review) 1697-721

Atticus Finch, in Context — *Randolph N. Stone* (correspondence) 1378-81

Beyond the Hero Judge: Institutional Reform Litigation as Litigation — *Margo Schlanger* (book review) 1994-2036

Civics 2000: Process Constitutionalism at Yale — *Daniel J. Hulsebosch* (book review) 1520-59

Comment on Steven Lubet, Reconstructing Atticus Finch — *Rob Atkinson* (correspondence) 1370-72

Commerce Clause Meets the Delhi Sands Flower-Loving Fly, The — *John Copeland Nagle* 174-215

Common Law in Cyberspace, The — *Tom W. Bell* (book review) 1746-70

Competition and Cooperation — *Saul Levmore* 216-44

Constitutional Fact and Theory: A Response to Chief Judge Posner — *Deborah Jones Merritt* (correspondence) 1287-95

Convergence of the First Amendment and Vatican II on Religious Freedom, The — *Robert F. Drinan, S.J.* (book review) 1948-55

Counseling Counsel for Children — *Martin Guggenheim* (book review) 1488-511

Courage of Our Convictions, The — *Sherman J. Clark* 2381-2447

Democracy-Forcing Constitution, The — *Neal Devins* (book review) 1971-93

Deterrence and Damages: The Multiplier Principle and Its Alternatives — *Richard Craswell* 2185-238

Direct Democracy in America — *Sherman J. Clark* (book review) 1560-77

Dissecting the State: The Use of Federal Law to Free State and Local Officials from State Legislatures' Control — *Roderick M. Hills, Jr.* 1201-86

DNA Database Searches and the Legal Consumption of Scientific Evidence — *Peter Donnelly & Richard D. Friedman* 931-84

Equal Rights, Special Rights, and the Nature of Antidiscrimination Law — *Peter J. Rubin* 564-98

Farewell to an Idea? Ideology in Legal Theory — *David Charny* (book review) 1596-616

Foreword — *Jeffrey Rosen* 1323-38

Forgotten Constitutional History: The Production and Migration of Meaning Within Constitutional Cultures — *Gregory A. Mark* (book review) 1673-96

Foundations of Liberty, The — *Lawrence B. Solum* (book review) 1780-812

From Renaissance Poland to Poland's Renaissance — *Daniel H. Cole* (book review) 2062-102

In Defense of the Good Samaritan — *Hanoch Dagan* 1152-200

Law's Territory (A History of Jurisdiction) — *Richard T. Ford* 843-930

Limiting Patentees' Market Power Without Reducing Innovation Incentives: The Perverse Benefits of Uncertainty and Non-Injunctive Remedies — *Ian Ayres & Paul Klemperer* 985-1033

Lochner in Cyberspace: The New Economic Orthodoxy of "Rights Management" — *Julie E. Cohen* 462-563

Making the Law Safe for Democracy: A Review of "The Law of Democracy Etc." — *Burt Neuborne* (book review) 1578-95

Minority Preferences Reconsidered — *Terrance Sandalow* (book review) 1874-916

Model Judicial Biography, A — *Gerald Gunther* (book review) 2117-28

Moral Icons: A Comment on Steven Lubet's Reconstructing Atticus Finch — *William H. Simon* (correspondence) 1376-77

Myth of Choice of Law: Rethinking Conflicts, The — *Kermit Roosevelt III* 2448-2538

New Economic Theory of Regulation: Rent Extraction Rather Than Rent Creation, A — *Douglas Ginsburg* (book review) 1771-79

Open Chambers? — *Richard W. Painter* (book review) 1430-71

Original Model of the Independent Counsel Statute, An — *Ken Gormley* 601-95

Pinochet and International Human Rights Litigation — *Curtis A. Bradley & Jack L. Goldsmith* 2129-84

Political Economy of Statutory Reach: U.S. Disclosure Rules in a Globalizing Market for Securities, The — *Merritt B. Fox* 696-822

Positivism, Emergent and Triumphant — <i>Vincent A. Wellman</i> (book review)	1722-45
Punishing Hateful Motives: Old Wine in a New Bottle Revives Calls for Prohibition — <i>Carol S. Steiker</i> (book review)	1857-73
Qualities of Completeness: More? or Less?, The — <i>Mark R. Killenbeck</i> (book review)	1629-72
Race, Class, Caste . . . ? Rethinking Affirmative Action — <i>Clark D. Cunningham & N.R. Madhava Menon</i> (correspondence)	1296-310
Reaction: "Stand Up, Your Father [A Lawyer] Is Passing", A — <i>Burne V. Powell</i> (correspondence)	1373-75
Reconceiving the Right to Present Witnesses — <i>Richard A. Nagareda</i>	1063-151
Reconstructing Atticus Finch — <i>Steven Lubet</i> (book review)	1339-62
Reconstructing Atticus Finch? A Response to Professor Lubet — <i>Ann Althouse</i> (correspondence)	1363-69
Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order-Maintenance Policing New York Style — <i>Bernard E. Harcourt</i>	291-389
Rejoinder — <i>Terrance Sandalow</i> (correspondence)	1923-27
Reply to Comments on <i>Reconstructing Atticus Finch</i> — <i>Steven Lubet</i> (correspondence)	1382-84
Response to Review by Terrance Sandalow — <i>William G. Bowen & Derek Bok</i> (correspondence)	1917-22
Revaluing Restitution: From the Talmud to Postsocialism — <i>Michael Heller & Christopher Serkin</i> (book review)	1385-412
Revisionism Misplaced: Why This Is Not the Time to Bury Autonomy — <i>David J. Rothman</i> (book review)	1512-19
Richness of Contract Theory, The — <i>Randy E. Barnett</i> (book review)	1413-29
Rights Against Rules: The Moral Structure of American Constitutional Law — <i>Matthew D. Adler</i>	1-173
Rights and Wrongs — <i>John C.P. Goldberg</i> (book review)	1828-56
Rise of America's Two National Pastimes: Baseball and the Law, The — <i>Cleta Deatherage Mitchell</i> (book review)	2042-61
Sincere and Strategic Voting Norms on Multi-member Courts — <i>Evan H. Caminker</i>	2297-2380
Standing of the United States: How Criminal Prosecutions Show That Standing Doctrine Is Looking for Answers in All the Wrong Places, The — <i>Edward A. Hartnett</i>	2239-64
Subversive Thoughts on Freedom and the Common Good — <i>Larry Alexander & Maimon Schwarzschild</i> (book review)	1813-27
Television in the Courtroom: Mightier Than the Pen? — <i>Richard P. Matsch</i> (book review)	2037-41
Treaty Power and American Federalism, The — <i>Curtis A. Bradley</i>	390-461
War Crimes and the Limits of Legalism — <i>Gary Jonathan Bass</i> (book review)	2103-16
Which Queue? — <i>Robert J. Sternberg & Elena L. Grigorenko</i> (book review)	1928-47

NOTES

Ultra Vires Takings — *Matthew D. Zinn* 245-86

Prohibiting Conduct, Not Consequences: The Limited Reach of the Migratory Bird Treaty Act — *Benjamin Means* 823-42

Quality of Mercy Is Not Strained: Interpreting the Notice Requirement of the Federal Tort Claims Act, The — *Ann McGuire* 1034-60

Case-By-Case Approach to Pleading Scienter Under the Private Securities Litigation Reform Act of 1995, A — *Matthew Roskoski* 2265-94

AUTHORS

ADLER, MATTHEW D. — Rights Against Rules: The Moral Structure of American Constitutional Law 1-173

ALEXANDER, LARRY & SCHWARZSCHILD, MAIMON — Subversive Thoughts on Freedom and the Common Good (book review) 1813-27

ALTHOUSE, ANN — Reconstructing *Atticus Finch*? A Response to Professor Lubet (correspondence) 1363-69

ATKINSON, ROB — Comment on Steven Lubet, *Reconstructing Atticus Finch* (correspondence) 1370-72

AYRES, IAN & KLEMPERER, PAUL — Limiting Patentees' Market Power Without Reducing Innovation Incentives: The Perverse Benefits of Uncertainty and Non-Injunctive Remedies 985-1033

BARNETT, RANDY E. — The Richness of Contract Theory (book review) 1413-29

BASS, GARY JONATHAN — War Crimes and the Limits of Legalism (book review) 2103-16

BELL, TOM W. — The Common Law in Cyberspace (book review) 1746-70

BOWEN, WILLIAM G. & BOK, DEREK — Response to Review by Terrance Sandalow (correspondence) 1917-22

BRADLEY, CURTIS A. — The Treaty Power and American Federalism 390-461

BRADLEY, CURTIS A. & GOLDSMITH, JACK L. — *Pinochet* and International Human Rights Litigation 2129-84

CAMINKER, EVAN H. — Sincere and Strategic Voting Norms on Multimember Courts 2297-2380

CHARNY, DAVID — Farewell to an Idea? Ideology in Legal Theory (book review) 1596-616

CLARK, SHERMAN J. — The Courage of Our Convictions 2381-2447

CLARK, SHERMAN J. — Direct Democracy in America (book review) 1560-77

COHEN, JULIE E. — *Lochner* in Cyberspace: The New Economic Orthodoxy of "Rights Management" 462-563

COLE, DANIEL H. — From Renaissance Poland to Poland's Renaissance (book review) 2062-102

CRASWELL, RICHARD — Deterrence and Damages: The Multiplier Principle and Its Alternatives 2185-238

CUNNINGHAM, CLARK D. & MENON, N.R. MADHAVA — Race, Class, Caste . . . ? Rethinking Affirmative Action (correspondence) 1296-310

DAGAN, HANOCHE — In Defense of the Good Samaritan 1152-200

DEVINS, NEAL — The Democracy-Forcing Constitution (book review) 1971-93

DONNELLY, PETER & FRIEDMAN, RICHARD D. — DNA Database Searches and the Legal Consumption of Scientific Evidence 931-84

DRINAN, S.J., ROBERT F. — The Convergence of the First Amendment and Vatican II on Religious Freedom (book review) 1948-55

EPSTEIN, RICHARD A. — The Assault That Failed: The Progressive Critique of *Laissez Faire* (book review) 1697-721

FELDMAN, HEIDI LI — Apparently Substantial, Oddly Hollow: The Enigmatic *Practice of Justice* (book review) 1472-87

FORD, RICHARD T. — Law's Territory (A History of Jurisdiction) 843-930

FOX, MERRITT B. — The Political Economy of Statutory Reach: U.S. Disclosure Rules in a Globalizing Market for Securities 696-822

GINSBURG, DOUGLAS — A New Economic Theory of Regulation: Rent Extraction Rather Than Rent Creation (book review) 1771-79

GOLDBERG, JOHN C.P. — Rights and Wrongs (book review) 1828-56

GORMLEY, KEN — An Original Model of the Independent Counsel Statute 601-95

GUGGENHEIM, MARTIN — Counseling Counsel for Children (book review) 1488-511

GUNTHER, GERALD — A Model Judicial Biography (book review) 2117-28

HARCOURT, BERNARD E. — Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order-Maintenance Policing New York Style 291-389

HARTNETT, EDWARD A. — The Standing of the United States: How Criminal Prosecutions Show That Standing Doctrine Is Looking for Answers in All the Wrong Places 2239-64

HELLER, MICHAEL & SERKIN, CHRISTOPHER — Revaluing Restitution: From the Talmud to Postsocialism (book review) 1385-412

HILLS, JR., RODERICK M. — Dissecting the State: The Use of Federal Law to Free State and Local Officials from State Legislatures' Control 1201-86

HULSEBOSCH, DANIEL J. — Civics 2000: Process Constitutionalism at Yale (book review) 1520-59

KILLENECK, MARK R. — The Qualities of Completeness: More? or Less? (book review) 1629-72

LEVMORE, SAUL — Competition and Cooperation 216-44

LUBET, STEVEN — Reconstructing Atticus Finch (book review) 1339-62

LUBET, STEVEN — Reply to Comments on *Reconstructing Atticus Finch* (correspondence) 1382-84

MARK, GREGORY A. — Forgotten Constitutional History: The Production and Migration of Meaning Within Constitutional Cultures (book review) 1673-96

MATTSCH, RICHARD P. — Television in the Courtroom: Mightier Than the Pen? (book review) 2037-41

MERRITT, DEBORAH JONES — Constitutional Fact and Theory: A Response to Chief Judge Posner (correspondence) 1287-95

MITCHELL, CLETA DEATHERAGE — The Rise of America's Two National Pastimes: Baseball and the Law (book review) 2042-61

NAGAREDA, RICHARD A. — Reconceiving the Right to Present Witnesses 1063-151

NAGLE, JOHN COPELAND — The Commerce Clause Meets the Delhi Sands Flower-Loving Fly 174-215

NEUBORNE, BURT — Making the Law Safe for Democracy: A Review of "The Law of Democracy Etc." (book review) 1578-95

PAINTER, RICHARD W. — Open Chambers? (book review) 1430-71

POWELL, BURNELE V. — A Reaction: "Stand Up, Your Father [A Lawyer] Is Passing" (correspondence) 1373-75

ROOSEVELT III, KERMIT — The Myth of Choice of Law: Rethinking Conflicts 2448-2538

ROSEN, JEFFREY — Foreword (foreword) 1323-38

ROTHMAN, DAVID J. — Revisionism Misplaced: Why This Is Not the Time to Bury Autonomy (book review) 1512-19

RUBIN, PETER J. — Equal Rights, Special Rights, and the Nature of Antidiscrimination Law 564-98

SANDALOW, TERRANCE — Minority Preferences Reconsidered (book review) 1874-916

SANDALOW, TERRANCE — Rejoinder (correspondence) 1923-27

SCHLANGER, MARGO — Beyond the Hero Judge: Institutional Reform Litigation as Litigation (book review) 1994-2036

SIMON, WILLIAM H. — Moral Icons: A Comment on Steven Lubet's *Reconstructing Atticus Finch* (correspondence) 1376-77

SOLUM, LAWRENCE B. — The Foundations of Liberty (book review) 1780-812

STEIKER, CAROL S. — Punishing Hateful Motives: Old Wine in a New Bottle Revives Calls for Prohibition (book review) 1857-73

STERNBERG, ROBERT J. & GRIGORENKO, ELENA L. — Which Queue? (book review) 1928-47

STONE, RANDOLPH N. — Atticus Finch, in Context (correspondence) 1378-81

SUNSTEIN, CASS R. — Affirmative Action, Caste, and Cultural Comparisons (correspondence) 1311-20

WELLMAN, VINCENT A. — Positivism, Emergent and Triumphant (book review) 1722-45

BOOKS REVIEWED

ABRAMS: Legal Bases: Baseball and the Law (Cleta Deatherage Mitchell) 2042-61

ACKERMAN: We the People: Transformations (Daniel J. Hulsebosch) 1520-59

AMAR: The Bill of Rights: Creation and Reconstruction (Daniel J. Hulsebosch) 1520-59

BALKIN: Cultural Software: A Theory of Ideology (David Charny) 1596-616

BARNETT: The Structure of Liberty: Justice and the Rule of Law (Lawrence B. Solum) 1780-812

BOWEN & BOK: The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions (Terrance Sandalow) 1874-916

BRZEZINSKI: The Struggle for Constitutionalism in Poland (Daniel H. Cole) 2062-102

COGAN, ED.: The Complete Bill of Rights: The Drafts, Debates, Sources, & Origins (Mark R. Killenbeck) 1629-72

DAGAN: Unjust Enrichment: A Study of Private Law and Public Values (Michael Heller & Christopher Serkin) 1385-412

DUBOIS & FEENEY: Lawmaking by Initiative: Issues, Options, and Comparisons (Sherman J. Clark) 1560-77

EPSTEIN: Principles for a Free Society: Reconciling Individual Liberty with the Common Good (Larry Alexander & Maimon Schwarzschild) 1813-27

FEELY & RUBIN: Judicial Policy Making and the Modern State: How the Courts Reformed America's Prisons (Margo Schlanger) 1994-2036

FRIED: The Progressive Assault on Laissez Faire: Robert Hale and the First Law and Economics Movement (Richard A. Epstein) 1697-721

GOLDFARB: TV or Not TV: Television, Justice, and the Courts (Richard P. Matsch) 2037-41

HILLMAN: The Richness of Contract Law: An Analysis and Critique of Contemporary Theories of Contract Law (Randy E. Barnett) 1413-29

HUBER: Law and Disorder in Cyberspace: Abolish the FCC and Let Common Law Rule the Telecosm (Tom W. Bell) 1746-70

ISSACHAROFF, KARLAN & PILDES: The Law of Democracy: Legal Structure of the Political Process (Burt Neuborne) 1578-95

JACOBS & POTTER: Hate Crimes: Criminal Law & Identity Politics (Carol S. Steiker) 1857-73

KELMAN & LESTER: Jumping the Queue: An Inquiry into the Legal Treatment of Students with Learning Disabilities (Robert J. Sternberg & Elena L. Grigorenko) 1928-47

LAHAV: Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century (Gerald Gunther) 2117-28

LAZARUS: Closed Chambers: The First Eyewitness Account of the Epic Struggles Inside the Supreme Court (Richard W. Painter) 1430-71

LEE: To Kill a Mockingbird (Steven Lubar) 1339-62

LEFKOWITZ: Our Guys: The Glen Ridge Rape and the Secret Life of a Perfect Suburb (Elliot Regenstein) 1956-70

LEVINSON: Written in Stone: Public Monuments in Changing Societies (Benjamin Means) 1617-28

MCCHESNEY: Money for Nothing: Politicians, Rent Extraction, and Political Extortion (Douglas Ginsburg) 1771-79

MILLER: Arguing About Slavery: The Great Battle in the United States Congress (Gregory A. Mark) 1673-96

MINOW: Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence (Gary Jonathan Bass) 2103-16

NOONAN: The Lustre of Our Country: The American Experience of Religious Freedom (Robert F. Drinan, S.J.) 1948-55

OSIEL: Mass Atrocity, Collective Memory, and the Law (Gary Jonathan Bass) 2103-16

PETERS: Representing Children in Child Protective Proceedings: Ethical and Practical Dimensions (Martin Guggenheim) 1488-511

RABBAN: Free Speech in Its Forgotten Years (Gregory A. Mark) 1673-96

RIPSTEIN: Equality, Responsibility, and the Law (John C.P. Goldberg) 1828-56

SCHNEIDER: The Practice of Autonomy: Patients, Doctors, and Medical Decisions (David J. Rothman) 1512-19

SCHRAG: Paradise Lost: California's Experience, America's Future (Sherman J. Clark) 1560-77

SEBOK: Legal Positivism in American Jurisprudence (Vincent A. Wellman) 1722-45

SIMON: The Practice of Justice: A Theory of
Lawyers' Ethics (Heidi Li Feldman) 1472-87

SUNSTEIN: One Case at a Time: Judicial
Minimalism on the Supreme Court (Neal
Devins) 1971-93